

Harrington Park  
PLANNING BOARD  
**REGULAR MEETING MINUTES**  
Tuesday, May 11, 2021 @ 8:00PM

**Chairman Capazzi called the meeting to order at 8:00pm.**

**Open Public Meeting Act Announcement:** In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Pursuant to Governor Murphy's Executive Orders #107 and 108 ordering Statewide lockdowns, and P.L. 2020, c. 34 permitting public bodies to conduct meetings via electronic means during declared states of emergency, the Regular meeting of the Borough of Harrington Park Planning Board scheduled for May 11, 2021 at 8:00 p.m. will be conducted remotely from the electronic meeting platform Zoom.us. Members of the public can join the meeting and participate during the public comment period by joining the meeting using the Zoom mobile application on a smartphone or tablet, joining the meeting by laptop with microphone capabilities, or dialing in using a telephone to the Zoom teleconference system.

Members of the public are advised that the video and audio of the meeting will be recorded and will be a public record subject to disclosure pursuant to the Open Public Meetings Act. The Borough reserves the right to post the recording of the meeting to its website.

CL verified that she was able to dial in to the meeting using a cell phone.

**ROLL CALL**

<b>Roll Call</b>	<b>PRESENT</b>	<b>ABSENT</b>
(JC) Chairman John CAPAZZI	X	
(PH) Mayor Paul HOELSCHER	X	
(AN) Councilman Allan NAPOLITANO	X	
(PA) Vice-Chair Peter ARDITO	X	
(RM) Secretary Richard McLAUGHLIN	X	
(JB) Member Jesse BARRAGATO		X
(RW) Member Robert WALDRON		X
(SB) Alt. (a) Steve BEUBIS	X	

Also present:

(JK) Jennifer Knarich, Price, Meese, Shulman & D'Arminio

(RP) Richard Preiss, Phillips Preiss Grygiel Leheny Hughes

(CL) Carolyn Lee, Recording Secretary

**MINUTES FOR APPROVAL**

**1. March 9, 2021 minutes (public and closed session)**

JC asked the board for discussion. There was none.

<b>Vote to approve March 9, 2021 minutes public and closed session.</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>

Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO	X		X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO			X			
Secretary Richard McLAUGHLIN		X	X			
Member Jesse BARRAGATO						X
Member Robert WALDRON						X
Alt. (a) Steven BEUBIS			X			

## 2. April 13, 2021 minutes

JC asked the board for discussion. There was none.

Vote to approve April 13, 2021 minutes	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO	X		X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO			X			
Secretary Richard McLAUGHLIN		X	X			
Member Jesse BARRAGATO						X
Member Robert WALDRON						X
Alt. (a) Steven BEUBIS			X			

## INVOICES FOR APPROVAL

General (Feb. 2020)	Price Meese Shulman & D'Armino, P.C.	\$ 210.00
Allegro (Escrow May 2020)	Price Meese Shulman & D'Armino, P.C.	\$ 270.00
92 Martha (Escrow Nov. 2020)	Price Meese Shulman & D'Armino, P.C.	\$ 255.00
General (Nov. 2020)	Price Meese Shulman & D'Armino, P.C.	\$ 2,040.00
General (Jan. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 885.00
92 Martha (Escrow Feb. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 75.00
General (Feb. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 270.00
41 Peat (Feb. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 2,745.00
General (Mar. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 615.00
41 Peat (Mar. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 510.00
Allegro (Escrow Feb. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 30.00
106 Schraalenburgh (Escrow Mar. 2021)	Price Meese Shulman & D'Armino, P.C.	\$ 75.00
41 Peat (Escrow Apr. 26-May 30, 2020)	Neglia Engineering	\$ 175.00
Allegro (Escrow Mar. 2020)	Phillips Preiss Grygiel Leheny Hughes LLC	\$ 85.00
41 Peat (Apr. 2021)	Phillips Preiss Grygiel Leheny Hughes LLC	\$ 578.00
General (Feb. 2021)	Phillips Preiss Grygiel Leheny Hughes LLC	\$ 175.00
General (Mar. 2020)	Phillips Preiss Grygiel Leheny Hughes LLC	\$ 51.00
NJPO - Mandatory Training + Books (5/15/21)	Carolyn Lee	\$ 177.00
<b>TOTAL</b>		<b>\$ 6,476.00</b>

The agenda was updated with one additional item as shared on screen (shown in the minutes).

Vote to approve invoices listed subject that funds are available.	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO	X		X			
Mayor Paul HOELSCHER			X			
Councilman Allan NAPOLITANO			X			

Secretary Richard McLAUGHLIN		X	X			
Member Jesse BARRAGATO						X
Member Robert WALDRON						X
Alt. (a) Steven BEUBIS			X			

## **OLD BUSINESS**

No old business.

## **NEW BUSINESS**

### **1. Prohibiting Sale of Cannabis in Harrington Park**

The ordinance was created by the Mayor and Council for prohibiting sale of cannabis. There was a first reading at the Mayor and Council meeting. It is being referred to the Planning Board for consistency with the Master Plan. RP attended the meeting to review the consistency with the Master Plan. The second reading will be at the next Mayor and Council meeting.

RP noted as per the Municipal Land Use Law, whenever there is an amendment to zoning there is a requirement after the Council introduces it (first reading), they are required to refer it to the Planning Board for a consistency review and other recommendations. The Planning Board's duty is to make a determination if there is consistency with the Master Plan and send communication back to the Council whether it is or isn't consistent. The Council would like any recommendations for changes the Planning Board would like to say.

RP reviewed the November 2003 Master Plan that was written by his office. In 2003, there was nothing about cannabis. The general goals and objectives in the Master Plan and Zoning Ordinance are to protect the health, welfare and safety of the community. The cannabis ordinance to protect the health, welfare and safety of the community is consistent with the Master Plan even though it is not singled out in the Master Plan. If the Planning Board supports it, they can report back that the proposed ordinance that was introduced is consistent with the Master Plan.

There was a question if this excludes medical use of cannabis. The proposed ordinance indicated that the delivery business would be prohibited, but the delivery would be permitted. The 2nd "Whereas" mentions recreational use and does not mention medical use.

PA agrees with the safety for the residents, but noted that there is a gun shop in town. Not many towns in the area have gun shops. If someone from the public wanted to discuss it, it would be difficult to address. PA is not against it, but it was an interesting thought.

This seems like an introductory period of 5 years considering the size of the Borough and the recent adoption.

AN noted that this would not be forcing the borough to do something in the next 5 years. If we wanted to change our action, the borough would be able to do it. It seems that the proposed ordinance is protecting, but not limiting the borough. JK concurs with AN after speaking with Jack Dineen. JK would prepare a letter to the Council.

<b>Vote to approve JK to compose and send a letter to Mayor and Council that the proposed ordinance is consistent with the goals and objectives of the Master Plan and the PB is in favor of the proposed ordinance.</b>	<b>MOTION</b>	<b>SECOND</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Chairman John CAPAZZI			X			
Vice-Chair Peter ARDITO			X			
Mayor Paul HOELSCHER		X	X			
Councilman Allan NAPOLITANO			X			
Secretary Richard McLAUGHLIN	X		X			
Member Jesse BARRAGATO						X
Member Robert WALDRON						X
Alt. (a) Steven BEUBIS			X			

RP noted in regards to cannabis restrictions, if you permit it now, you cannot prohibit it for the next five years. If you prohibit it now, in 6 months or a year or so, the borough can permit it. It seems like the Council is prohibiting it now to see the impact on other communities and maybe be able to permit it in the future.

RP was not able to find a copy of a Master Plan more current than the one he prepared in 2003. Under the Municipal Land Use Law, a Master Plan must be prepared or re-examined every 10 years in order to protect the community against lawsuits. There is presumption of validity to zoning and the burden of proof that the proposed ordinance is inconsistent with the Master Plan or unconstitutional, that presumption or protection is lost if the Master Plan has not been reexamined after 10 years. There was discussion that the members recall a recent reexamination and will get it sorted out.

RP announced that he is stepping back from his role as principal in Phillips Preiss Grygiel Leheny Hughes, but will remain as a partner. With regard to Harrington Park, he will be turning over his role to Liz Leheny. She has worked with the board in RP absence and helped prepare the Housing Element and Fair Share Plan (good until 2025). RP will remain on in an advisory capacity because of the institutional memory. The board congratulated and thanked RP for all his help with the Planning Board, Environmental Commission and the Board of Adjustment.

## **2. Article - New Jersey's Plan to Fight Climate Change**

PA wanted the PB to be aware the state is requiring electric charging stations in larger development and requirements may be coming in the near future.

### **MEETING OPEN TO THE PUBLIC**

There was no public at the meeting and did not open the meeting to the public.

### **ADJOURN**

Motion: PA Second: RM

In favor, all said "aye". None opposed.

Meeting adjourned at 8:26 pm.

NEXT SCHEDULED PLANNING BOARD  
REGULAR MEETING  
**Tuesday, June 8, 2021 at 8pm**